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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,250

12/14/2006

Jean-Marc Scherrer

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09/04/2008

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EXAMINER

HIJAZ, OMAR F

ART UNIT

PAPER NUMBER

4165

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,250	Applicant(s) SCHERRER ET AL.	
	Examiner OMAR HIJAZ	Art Unit 4165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/14/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is a first Office Action Non-Final rejection on the merits. Preliminary amendment received on August 14, 2006 has been acknowledged, claims 1-10 are cancelled and new claims 11-30 are now pending, and have been considered below.

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: applicant must provide a description of the recitation "the ribband is made in two parts that can be fixed together" as recited in claims 19 and 29. Also, applicant must provide a description of the recitation "the two parts can be fixed to a plate common to their base" as recited in claims 20 and 30.

Claim Objections

2. Claims 11-30 are objected to because of the following informalities:

In claim 11 at lines 12, 15, and 17, in claim 16 at line 2, in claim 17 at line 2, in claim 18 at line 2, in claim 21 at lines 10, 13, and 15, in claim 26 at line 2, in claim 27 at lines 1-2, and in claim 28 at lines 1-2, the recitation "large flange(s)" lacks antecedent basis and should be replaced with --outer flange(s)--.

In claim 11 the preamble should be replaced with --A false wall--.

In claims 12-20 in the preamble should be replaced with --The false wall--.

Appropriate correction is required.

Further in claim 21 the preamble should be replaced with --A ribband--.

In claims 22-30 in the preamble should be replaced with --The ribband--.

In claim 11 at line 7 and in claim 21 at line 6, the recitation “first flange” should be replaced with --first outer flange--. In addition, in claim 11 at lines 13-14 and in claim 21 at lines 11-12, the recitation “the distance” is inappropriate and should be replaced with --a distance--. In addition, in claim 11 at line 14 and in claim 21 at line 12, the recitation “a large flange” should be replaced with --the outer flange--. Appropriate correction is required.

In addition, the claims are objected to because they include reference characters which are not enclosed within parentheses (see claim 11, at lines 8 and 14, and claim 21 at lines 6 and 12).

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

In claim 17 at line 2 and in claim 27 at line 2, the recitation “a flange” should be replaced with --the flange--.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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3. Claims 11-30 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, at lines 8, 9 and 18, the recited term "it" renders the claim indefinite since it does not positively set forth the element that applicant is referring to.

Same as in claim 21, at lines 6, 7 and 15.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-17, 19-27, and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scherrer (U.S. Patent No. 5,029,422) in view of Baker (U.S. Patent No. 3,323,819).

As per claim 11, Scherrer teaches a false wall comprising a stretched piece of fabric held around its periphery by an edge that can be attached to ribbands fixed to the ceiling and/or the walls of a room (a false ceiling constituted by a taut sheet fastened, along its edges, to a support fixed to the walls of a room; abstract), in which the ribbands comprise a holding arrangement (31) having two parallel flanges (33 and 34) at a spacing from each other (as illustrated, the double rail 31 has two flanges, central flange 33 and vertical flange 34 which are parallel and spaced apart; figure 5), namely a first outer flange (34) and a second lower inner flange (33) that ends in a shoulder (33a)

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that extends towards the first outer flange (34) and ends at a distance from it (as illustrated, the shoulder 33a extends towards the vertical flange 34 at a distance; figure 5), to enable the edge to pass through, such that it can simply rest on the shoulder (as illustrated, the harpoon edge 10 passes through the flanges 33 and 34 and rests on the shoulder 33a; figure 5), wherein the ribband comprises a base (as illustrated, the base is depicted by 32 where the flanges intersect; see figure 5A below) and two holding arrangements, for which the flanges are inclined from the base (as illustrated, two sets of flanges for holding the harpoon edges 10 extend from the base; figure 5) and that their ends are separated such that a distance (a) between the end of the outer flange and the plane of the outer flange in the opposite holding arrangement is equal to the distance (b) separating the shoulder of the latter holding arrangement from the large flange associated with it (as illustrated, the distance between the first pair of flanges is equal to the distance between the second pair of flanges; figure 5A).

Scherrer fails to disclose the outer flanges converge towards each other.

Barker discloses a structural arrangement for joining, holding, and retaining sheet members within a connector (col. 1, lines 11-12) to form a self supporting walled structure (col. 1, line 24) with flanges that converge towards each other (figure 4).

Therefore from the teaching of Barker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the outer flanges of Scherrer to converge towards each other as taught by Barker in order to provide for sheets that are firmly gripped or locked in place and secured against separation or loosening under stress (col. 1, lines 26-29).

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As per claim 12, Scherrer teaches the two holding arrangements are symmetrical about a plane perpendicular to the base (as illustrated, the flange arrangement is symmetrical about an axis which is perpendicular to the base; figure 5).

As per claim 13, Scherrer fails to disclose the outer flanges are inclined by about a 45 degree angle from the base.

Barker discloses a structural arrangement for joining, holding, and retaining sheet members within a connector (col. 1, lines 11-12) to form a self supporting walled structure (col. 1, line 24) with flanges that converge towards each other at about a 45 degree angle from the base (figure 4).

Therefore from the teaching of Barker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the outer flanges of Scherrer to converge towards each other as taught by Barker in order to provide for sheets that are firmly gripped or locked in place and secured against separation or loosening under stress (col. 1, lines 26-29).

As per claim 14, Scherrer teaches the base is composed of a support plate (as illustrated, the base 32 supports the flanges; figure 5A below).

As per claim 15, Scherrer teaches the support plate is provided with attachment elements on its face opposite the holding arrangements (as illustrated, the support plate has an attachment element extending from its face on the opposite side of the holding arrangements; figure 5A below).

As per claim 16, Scherrer teaches the bottom of at least one of the outer flanges extends on the opposite side of the holding arrangements by a flange perpendicular to

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the base (as illustrated, the outer vertical flanges 34 and 35 extend on the opposite side of the double rail 31 by flanges perpendicular to the base; figure 5A below).

As per claim 17, Scherrer teaches each outer flange extends on the opposite side of the holding arrangements, by a flange perpendicular to the base (as illustrated, the outer vertical flanges 34 and 35 extend on the opposite side of the double rail 31 by flanges perpendicular to the base; figure 5A below).

As per claim 19, Scherrer discloses the ribband is made in two parts that can be fixed together (the rail assembly of figure 5 is of a similar assembly and is capable of being made in two parts that can be fixed together; also see claim objection above).

As per claim 20, Scherrer discloses the two parts can be fixed to a plate common to their base (the rail assembly of figure 5 is of a similar assembly and is capable of being made in two parts that can be fixed to a plate common to their base).

As per claim 21, Scherrer teaches a ribband for receiving an edge of a piece of fabric to make a false wall, (a false ceiling constituted by a taut sheet fastened, along its edges, to a support fixed to the walls of a room; abstract), said ribband comprising a holding arrangement (31) having two parallel flanges (33 and 34) at a spacing from each other (as illustrated, the double rail 31 has two flanges, central flange 33 and vertical flange 34 which are parallel and spaced apart; figure 5), namely a first outer flange (34) and a second lower inner flange (33) that ends in a shoulder (33a) that extends towards the first outer flange (34) and ends at a distance from it (as illustrated, the shoulder 33a extends towards the vertical flange 34 at a distance; figure 5), to enable the edge to pass through, such that it can simply rest on the shoulder (as

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illustrated, the harpoon edge 10 passes through the flanges 33 and 34 and rests on the shoulder 33a; figure 5A below), wherein the ribband comprises a base (as illustrated, the base is depicted by 32 where the flanges intersect; figure 5) and two holding arrangements, for which the flanges are inclined from the base (as illustrated, two sets of flanges for holding the harpoon edges 10 extend from the base; figure 5) and that their ends are separated such that a distance (a) between the end of the outer flange and the plane of the outer flange in the opposite holding arrangement is equal to the distance (b) separating the shoulder of the latter holding arrangement from the large flange associated with it (as illustrated, the distance between the first pair of flanges is equal to the distance between the second pair of flanges; figure 5A below).

Scherrer fails to disclose the outer flanges converge towards each other.

Barker discloses a structural arrangement for joining, holding, and retaining sheet members within a connector (col. 1, lines 11-12) to form a self supporting walled structure (col. 1, line 24) with flanges that converge towards each other (figure 4).

Therefore from the teaching of Barker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the outer flanges of Scherrer to converge towards each other as taught by Barker in order to provide for sheets that are firmly gripped or locked in place and secured against separation or loosening under stress (col. 1, lines 26-29).

As per claim 22, Scherrer teaches the two holding arrangements are symmetrical about a plane perpendicular to the base (as illustrated, the flange arrangement is symmetrical about an axis which is perpendicular to the base; figure 5).

As per claim 23, Scherrer fails to disclose the outer flanges are inclined by about a 45 degree angle from the base.

Barker discloses a structural arrangement for joining, holding, and retaining sheet members within a connector (col. 1, lines 11-12) to form a self supporting walled structure (col. 1, line 24) with flanges that converge towards each other at about a 45 degree angle from the base (figure 4).

Therefore from the teaching of Barker, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the outer flanges of Scherrer to converge towards each other as taught by Barker in order to provide for sheets that are firmly gripped or locked in place and secured against separation or loosening under stress (col. 1, lines 26-29).

As per claim 24, Scherrer teaches the base is composed of a support plate (as illustrated, the base 32 supports the flanges; figure 5A below).

As per claim 25, Scherrer teaches the support plate is provided with attachment elements on its face opposite the holding arrangements (as illustrated, the support plate has an attachment element extending from its face on the opposite side of the holding arrangements; figure 5A below).

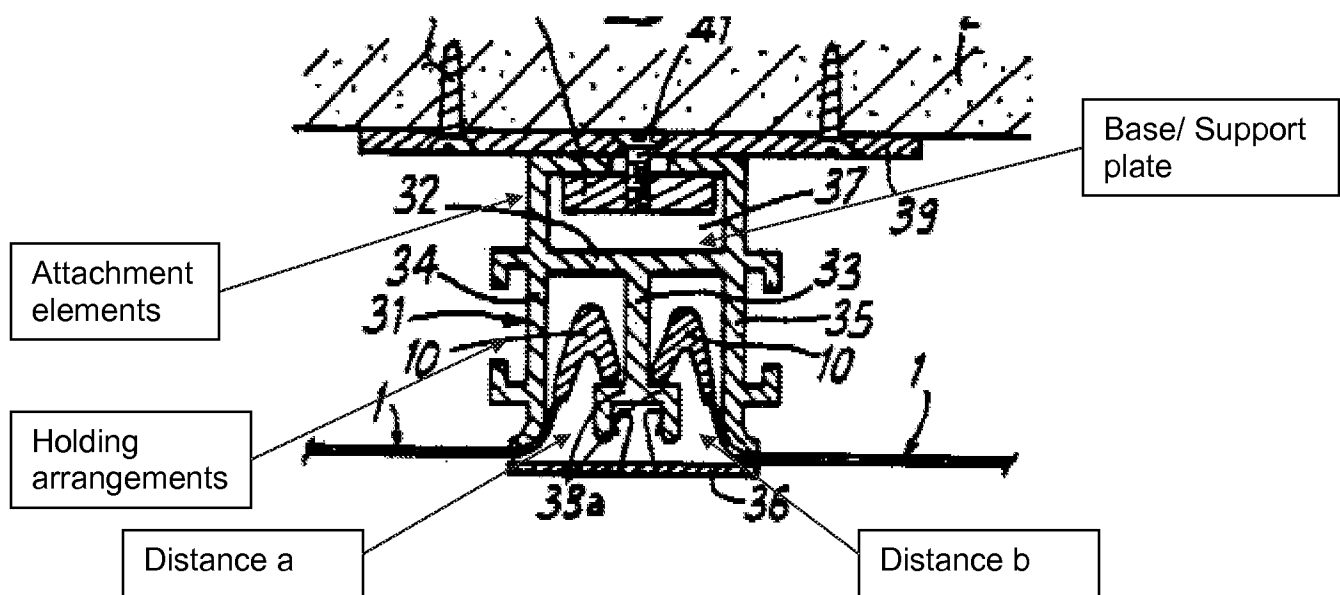
As per claim 26, Scherrer teaches the bottom of at least one of the outer flanges extends on the opposite side of the holding arrangements by a flange perpendicular to the base (as illustrated, the outer vertical flanges 34 and 35 extend on the opposite side of the double rail 31 by flanges perpendicular to the base; figure 5A below).

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As per claim 27, Scherrer teaches each outer flange extends on the opposite side of the holding arrangements, by a flange perpendicular to the base (as illustrated, the outer vertical flanges 34 and 35 extend on the opposite side of the double rail 31 by flanges perpendicular to the base; figure 5A below).

As per claim 29, Scherrer discloses the ribband is made in two parts that can be fixed together (the rail assembly of figure 5 is of a similar assembly and is capable of being made in two parts that can be fixed together; also see claim objection above).

As per claim 30, Scherrer discloses the two parts can be fixed to a plate common to their base (the rail assembly of figure 5 is of a similar assembly and is capable of being made in two parts that can be fixed to a plate common to their base; also see claim objection above).

FIGURE 5A

6. Claims 18 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scherrer (U.S. Patent No. 5,029,422) in view of Baker (U.S. Patent No. 3,323,819) and further in view of Rex (U.S. Patent No. 5,119,614).

As per claims 18 and 28, the Scherrer and Baker combination discloses the elements of the claimed invention as mentioned in claims 17 and 27 above, but fails to disclose the outer flanges cooperate with a stirrup provided with a tie rod fixed to the ceiling of the room, to hold the ribband.

Rex discloses a concrete post which supports wall panels (abstract) and utilizes a tie rod and stirrups (col. 3, lines 48-50).

Therefore, from the teaching of Rex, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the wall/ceiling mounting fixing plate and screws of the Scherrer and Baker combination with a stirrup and tie rod as taught by Rex in order to provide a durable and stress resistant system (col. 1, lines 61-63).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,959,518 discloses a rails section for fixing a false ceiling or a false wall. WIPO Publication No. WO 9512721 discloses sections for supporting a false ceiling or false wall by the use of flanges. U.S. Patent No. 4,083,157 discloses a false ceiling or wall. U.S. Patent No. 5,009,540 discloses a fastener utilized for flexible sheeting with a double sided fastening member. U.S. Patent No. 6,431,251 discloses a wall assembly for fabric panels with a double sided fastening member.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR HIJAZ whose telephone number is (571)270-5790. The examiner can normally be reached on Mon-Fri 9:30 a.m. - 7:00 p.m. (alternating Fridays).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571)272-6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OFH

/Lynda Jasmin/
Supervisory Patent Examiner, Art Unit 4165